

The conviction imposed following petitioner's guilty plea to a one count Information charging a conspiracy to commit wire fraud in violation of 18 U.S.C. § 371, inflicts collateral consequences upon him which he specifically endeavored to avoid prior to his plea. Those consequences, the suspension of his state pension by the State Board of Retirement, could not have been foreseen at the time of his plea. In fact, he continued to collect his retirement benefits during his incarceration, while on supervised release, and up to January 1, 2003, when his benefits were suspended as a result of this conviction.

Petitioner's guilty plea suffered from fundamental defects because the government conceded that it could not prove that the defendant knew that the blank search warrants in question would be used to commit home invasions; and the government further conceded that, absent petitioner's guilty plea, he could not be prosecuted. Furthermore, petitioner's conduct did not violate 18 U.S.C. 1346 in that it did not involve bribery or a kickback. These shortcomings rendered petitioner's conduct non-criminal and his conviction a nullity.

Petitioner has served his sentence and paid his fine. He is now suffering significant unanticipated collateral financial consequences as a result of his conviction. Because of the errors in his prosecution and in the plea proceedings which are fundamental to the validity of the judgment of conviction, petitioner respectfully requests that the court consider this petition in view of Skilling v. United States and issue the writ.

Petitioner respectfully requests that he be granted a hearing on this petition.

Dated: January 18, 2011

Respectfully submitted,

RICHARD J. GEORGE

By his attorney,

/s/ Bruce T. Macdonald
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CERTIFICATE OF SERVICE

I, Bruce T. Macdonald, attorney for defendant herein, hereby certify that the foregoing Petition for Writ of Error Coram Nobis, and Memorandum of Law Supporting the Petition of Richard J. George for Writ of Error Coram Nobis, and Affidavit of Richard J. George in Support of Petition for Writ of Error Coram Nobis, were served via ECF filing to all registered participants on this 18th day of January, 2011, and further that copies of said documents were mailed to: U.S. Attorney's Office, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210, on January 18, 2011.

Dated: January 18, 2011

/s/ Bruce T. Macdonald